

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA

IN RE: )  
JAMES TIMOTHY JONES ) CHAPTER 7 CASE NO. 03-12711-DHW  
SABRINA CAROL JONES )  
1117 Agutha Drive )  
Dothan, Alabama 36301 )  
  
DEBTORS. )  
  
JAMES TIMOTHY JONES, )  
  
PLAINTIFF, )  
  
VS. ) ADVERSARY PRO. NO. 04-\_\_\_\_\_  
  
AUTOVEST, INC., d/b/a COURTESY )  
PONTIAC-CADILLAC and ONYX )  
ACCEPTANCE CORPORATION, )  
  
DEFENDANTS. )

**COMPLAINT TO AVOID JUDICIAL LIENS**

COMES NOW the Debtor, James Timothy Jones, as Plaintiff, by and through his undersigned attorney, and files the instant Complaint with this Honorable Court to avoid the fixing of judicial liens on any present or future interest of the Debtor in real and/or personal property pursuant to Section 522 of the Bankruptcy Code, and to further request an adjudication that said liens are void pursuant to Section 506 of the Bankruptcy Code, based upon the following grounds, to-wit:

(1) The instant bankruptcy proceeding was initiated by the Debtor's filing a joint Chapter 7 Petition with his spouse on the 24<sup>th</sup> day of November, 2003, seeking relief under Chapter 7 of Title 11 of the United States Code;

(2) The Debtor/Plaintiff alleges this Court has jurisdiction pursuant to Title 28 U.S.C.

Section 1471, and Title 11 U.S.C. Section 506 and 522(f), whereby the Debtor seeks to invoke the avoidance powers of the last referenced sections of the Bankruptcy Code as to the following judgments that could impair his exemptions and/or assets, to-wit:

a. Judgment recovered by Autovest, Inc., d/b/a Courtesy Pontiac-Cadillac against James T. Jones in the sum of \$6,360.00 plus court costs of \$113.00 and recorded in the Probate Office of Houston County, Alabama, on February 14, 2001, at Judgment Book 95, Page 510;

b. Judgment recovered by Onyx Acceptance Corporation against James T. Jones in the sum of \$14,814.25 plus court costs of \$149.00 and recorded in the Probate Office of Houston County, Alabama, on April 7, 2003, at Judgment Book 101, Page 148;

(3) The Debtor would aver the foregoing judgments are unsecured as this determination would be made under Section 506 of the Bankruptcy Code based upon his declarations and schedules which reflect he has no assets with equity above the exemption limits allowed by the laws of the State of Alabama to which said judgments could have attached on the date of filing of his Chapter 7 Petition; and, therefore, these judgments are due to be stricken of record as being any evidence or basis for perfecting liens against the Debtor's assets now or hereafter.

WHEREFORE, after notice and a hearing, the Debtor/Plaintiff prays the Court will grant the requested relief; that the Court will strike the above-described judgments of record in order that said judgments will not provide a basis for perfecting a lien against the Debtor or his assets hereafter, and that the Court will grant such other and further relief as is just in consideration of the premises.

DATED this 12<sup>th</sup> day of February, 2004.

ESPY, METCALF & POSTON, P.C.

\s\ C. H. Espy, Jr.

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